

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

METROKANE, INC.,

Plaintiff,

v.

COSTCO WHOLESALE CORPORATION,

Defendant.

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 10/28/04

04 Civ. 0402 (WHP)

04 Civ. 0402

**STIPULATION OF  
DISMISSAL  
WITH PREJUDICE**

IT IS HEREBY STIPULATED, by and between the undersigned, all parties in the above-captioned action, that this action, and all claims asserted therein by Plaintiff and Defendant, are hereby dismissed with prejudice, with costs to neither party.

DARBY & DARBY P.C.

By: Andrew Baum

Dated: October 25, 2004

Andrew Baum  
805 Third Avenue  
New York, NY 10022  
Telephone: (212) 527-7700  
Facsimile: (212) 753-6237

*Attorney for Plaintiff*  
METROKANE, INC.

FRIED, FRANK, HARRIS, SHRIVER &  
JACOBSON, LLP

By: James W. Dabney

Dated: October 25, 2004

James W. Dabney  
One New York Plaza  
New York, NY 10004  
Telephone: (212) 859-8000  
Facsimile: (212) 859-4000

*Attorney for Defendant*  
COSTCO WHOLESALE CORPORATION

SO ORDERED:

Date: 10/28/04

William H. Pauley  
The Honorable William H. Pauley  
U.S. District Judge, Southern District of New York